

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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IGOR YEVSTIFEEV,  
SVIATLANA HARNIZONAVA,

Plaintiffs,

DECISION AND ORDER

08-CV-6476L

v.

BRAD STEVE, individually and as a  
Town of Brighton Police Officer,  
ROBERT FISHER, individually and as a  
Town of Brighton Police Officer,  
FRANK SCARCELLI, individually and as a  
Town of Brighton Court Reporter,  
TOWN OF BRIGHTON,  
TOWN OF BRIGHTON POLICE DEPARTMENT,  
THOMAS VOELKL, Town of Brighton Police Chief,  
TOWN OF BRIGHTON COURT,

Defendants.


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Currently pending with the Court is a motion by several of the defendants pursuant to Fed. R. Civ. Proc. 12(f) (Dkt. #10), seeking to strike plaintiffs' "Response to Defendants Answer to Complaint," a purported pleading (Dkt. #9) which was filed without leave of Court. *See generally Bizouati v. City of New York*, 2008 U.S. Dist. LEXIS 21769 (E.D.N.Y. 2008) (noting the Court's inherent power to strike an improper pleading); *Adams v. Finlay*, 2006 U.S. Dist. LEXIS 81591 (S.D.N.Y. 2006) (same).

Plaintiffs do not oppose the motion, and have conceded to this pleading being stricken, stating that it is merely a summary of exhibits attached to the complaint, and adds nothing of substance to their claims. (Dkt. #13).

Accordingly, the defendants' motion to strike (Dkt. #10) is hereby granted, and plaintiffs' Response to Defendants Answer to Complaint (Dkt. #9) is stricken from the record in this matter.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
June 2, 2009.